

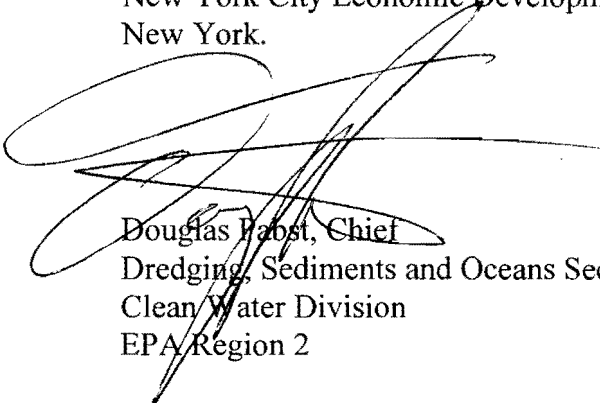
**US ARMY CORPS
OF ENGINEERS**
NEW YORK DISTRICT




REGION 2

June 6, 2013

Non-Testing Related Regulatory Issues: Subparts B,C,D,and E of 40 CFR Section 227 for the New York City Economic Development Corporation, Manhattan Cruise Terminal, New York, New York.


Douglas Fabst, Chief
Dredging, Sediments and Oceans Section
Clean Water Division
EPA Region 2


Monte Greges, Chief
Dredged Material Management Section
New York District
Army Corps of Engineers

MEMO TO FILE

SUBPART B - ENVIRONMENTAL IMPACT

1. Section 227.5 Prohibited materials.

The material to be placed at the Historic Area Remediation Site (HARS) (see CENAN, 1998) is dredged material that has been evaluated and found to meet the regulatory testing criteria of 40 CFR Sections 227.6 and 227.27 and the requirements of the rule establishing the HARS in Section 228.15(d)(6) (see USEPA/CENAN, 1999). The material proposed for placement as Remediation Material is not:

- high level radioactive waste;
- material used for radiological, chemical, or biological warfare;
- materials whose composition and properties have been insufficiently described to enable application of 40 CFR Part 227 Subpart B;
- inert synthetic or natural materials which may float or remain in suspension so as to materially interfere with fishing, navigation, or other use of the ocean;
- medical waste as prohibited by ' 102(a) of MPRSA.